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Security Council

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Letter dated 10 August 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey a letter dated 3 August 2012 from Jean Ping, Chair of the African Union Commission, forwarding the communiqué adopted by the Peace and Security Council of the African Union at its 329th meeting, on the situation between the Sudan and South Sudan (see annex).

I should be most grateful if you would bring the present letter and its attachment to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

12-46113 (E) 150812 170812

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Annex

Letter dated 3 August 2012 from the Chair of the African Union Commission addressed to the Secretary-General

[Original: English]

I am forwarding, herewith, the communiqué, adopted by the Peace and Security Council of the African Union at its 329th meeting, held in Addis Ababa, on 3 August 2012, on the implementation of the road map adopted by the Council on 24 April 2012 (see enclosure), endorsed by the United Nations Security Council in its resolution 2046 (2012) of 2 May 2012.

The meeting of the Peace and Security Council took place against the backdrop of several weeks of sustained efforts by the African Union High-level Implementation Panel, with the support of the United Nations and other international partners, to facilitate negotiations between the Sudan and South Sudan on outstanding issues in their post-succession relations. In reviewing the status of the implementation of the road map, the Peace and Security Council welcomed the progress achieved, including the cessation of hostilities and the significant reduction of tension between the two countries, the withdrawal of forces from Abyei, the agreement on oil and related matters, as well as on the establishment of a panel of experts on the status of disputed areas. I am also pleased to note that, following sustained efforts by the African Union, the League of Arab States and the United Nations, an agreement has been reached on modalities for implementing the tripartite proposal on access and delivery of humanitarian assistance to affected populations in the Blue Nile and Southern Kordofan states of the Sudan.

At the same time, the Peace and Security Council noted with regret that the Sudan and South Sudan have not been able, at this stage, to finalize agreements on a number of other critical issues by the deadline of 2 August 2012, as stipulated in Security Council resolution 2046 (2012).

It is against this background that the Peace and Security Council requested the African Union High-level Implementation Panel to continue and intensify its facilitation role to bridge the differences between the two parties. In this respect, the Peace and Security Council agreed on the practical steps to be taken to that end, as outlined in paragraph 11 of the enclosed communiqué. The Panel is required to submit, by 22 September 2012, a comprehensive report on the status of the implementation of the road map, with binding proposals on matters which may remain unresolved by that date. That report, together with the related communiqué of the Peace and Security Council, will then be transmitted to the Security Council for its actions, as appropriate.

The Peace and Security Council has requested the Security Council to endorse the enclosed communiqué. I would therefore be most grateful if you could transmit the same to this august body for its action.

There is no doubt that the results achieved so far have been made possible thanks to the unity of views and action of the international community, as exemplified by the adoption by the Security Council of resolution 2046 (2012). In the weeks ahead, continued close cooperation between the United Nations and the African Union will be a sine qua non for the achievement of our common objectives of helping the Sudan and South Sudan overcome the current challenges and live up

to their expressed commitment to the principle of two viable States living side-by-side in peace and cooperating on issues of common concern.

At the African Union, we have no doubt that the Security Council, as it did so decisively on 2 May 2012, will once again extend the required support to the efforts led by the African Union and bring its authority to bear on the situation.

Let me seize this opportunity to reiterate the deep appreciation of the African Union to the Security Council and to yourself for your unwavering commitment and strong support. We also greatly appreciate the unstinting efforts of your Special Envoy, Haile Menkerios, with whom the Panel works very closely.

(*Signed*) Jean **Ping**

Enclosure

Communiqué of the 329th meeting of the Peace and Security Council of the African Union

[Original: English and French]

Communiqué

The Peace and Security Council of the African Union, at its 329th meeting held on 3 August 2012, adopted the following decision on the situation between the Republic of Sudan and the Republic of South Sudan:

The Council:

1. Takes note of the remarks made by the Commissioner for Peace and Security and of the update provided by the Chair of the African Union High-level Implementation Panel, former President Thabo Mbeki, on the status of the negotiations on the post-secession relations between the Republic of Sudan and the Republic of South Sudan, as well as on the efforts to address the situation in the Blue Nile and South Kordofan states of the Sudan. The Council also takes note of the statements made by the representatives of the Governments of the Republic of Sudan and the Republic of South Sudan, as well as of those of the Special Envoy of the Secretary-General of the United Nations and the representatives of the League of Arab States and of other bilateral and multilateral partners;

2. Reiterates its earlier communiqués and press statements on the situation between the Sudan and South Sudan, in particular the communiqué of its 319th meeting (PSC/MIN/COMM/3.(CCCXIX)), held at ministerial level on 24 April 2012, at which the Council adopted a road map outlining the steps to be taken to defuse the tension that was then prevailing between the two countries, to facilitate the resumption of negotiations on the outstanding issues in their post-secession relations and the normalization of their relations, as well as communiqué of its 327th meeting (PSC/AHG/COMM.2/(CCCXXVII)), held at the level of Heads of State and Government, on 14 July 2012, which, inter alia, reaffirmed that the Parties must unconditionally implement all aspects of the road map;

3. Recalls Security Council resolution 2046 (2012) of 2 May 2012, which endorsed the road map, and reiterates the deep appreciation of the African Union to the United Nations and other bilateral and multilateral partners for their unwavering support for the efforts led by the African Union;

4. Further recalls paragraph 14 of the decision adopted by the Assembly of the Union at its 19th Ordinary Session (Assembly/AU/Dec.432(XIX)), held in Addis Ababa on 15 and 16 July 2012, in which the Assembly stressed the need and obligation on the part of the Parties to fully and expeditiously fulfil their obligations under the road map, bearing in mind the timelines contained therein;

5. Commends the African Union High-level Implementation Panel and its members, namely former Presidents Thabo Mbeki, Abdulsalam Abubakar and Pierre Buyoya, as well as the Panel Support Team, for their ceaseless efforts to assist the parties to resolve their differences and finalize negotiations on all outstanding issues in their post-secession relations. The Council reiterates its belief that the Parties have discussed all issues extensively and have brought them close to conclusion,

and that the major remaining challenge is for the leaders of the two countries to make the necessary political decisions in the interest of their two countries, their peoples and Africa as a whole;

6. Further commends the United Nations Interim Security Force for Abyei (UNISFA) for its effectiveness in providing security in Abyei, which has enabled the displaced communities to begin to return, and the seasonal migration of pastoralist communities to conclude peacefully;

7. Notes the progress achieved in the implementation of the road map, as endorsed by United Nations Security Council resolution 2046 (2012) and, in this respect, Council welcomes:

(a) The cessation of fighting along the common border and the significant reduction of tension between the two countries;

(b) The deployment by the Sudan and South Sudan of their members of the Joint Border Verification and Monitoring Mechanism to its temporary headquarters in Assosa, Ethiopia;

(c) The agreement on the terms of reference and membership of the ad hoc committee tasked to receive and investigate allegations and counter-allegations of the Parties regarding violations, set out in the 10 February 2012 memorandum of understanding on non-aggression and cooperation;

(d) The acceptance by the Government of the Republic of South Sudan of the administrative and security map submitted by the African Union High-level Implementation Panel in November 2011, which provides the centreline for the safe demilitarized border zone;

(e) The withdrawal by South Sudan and the Sudan of their forces from Abyei, on 10 and 29 May 2012, respectively, while noting that a company of Sudan's "oil police" remains in Diffra, and the reaffirmation by both Parties of their commitment to the Abyei Protocol of the January 2005 Comprehensive Peace Agreement, including its provisions for a referendum to determine the final status of Abyei;

(f) The agreement by the Parties to establish a panel of experts to provide an authoritative, non-binding opinion on the status of disputed areas;

(g) The agreement reached with the Government of the Sudan, on 3 August 2012, on the modalities for the delivery of humanitarian assistance to affected civilian populations in areas controlled by the Sudan People's Liberation Movement-North (SPLM-N) in Blue Nile and Southern Kordofan states, consistent with internationally accepted principles of delivery by competent and impartial agencies;

(h) The conclusion by the Parties of the agreement regarding oil and related matters between the Parties;

8. Highly appreciates the important agreement reached between the Parties regarding all financial matters relating to the export of South Sudan's oil through Port Sudan. The Council commends the Republic of South Sudan for its generous transitional financial arrangements agreement to support the Sudan as it deals with the adverse economic consequences of the secession of South Sudan. The Council

urges the Parties to reach agreement on all remaining aspects of oil-related issues, in order for production and transportation to resume as soon as possible;

9. Strongly supports the decision of the Parties to constitute a joint delegation supported by the African Union High-level Implementation Panel, which will approach various countries and institutions to request financial assistance to address the urgent needs of both countries, urges the lifting of all sanctions against the Sudan and encourages the creditor nations expeditiously to forgive the Sudan's external debt. The Council stresses that the assistance that will be sought by the joint delegation would greatly assist the realization of the objective of achieving peace between the Sudan and South Sudan and building two viable States. The Council therefore urges all members of the international community to respond positively to the joint delegation;

10. Notes with regret that the Parties have not been able, at this stage, to finalize agreements on a number of critical issues in their post-secession relations by the deadline of 2 August 2012, stipulated in United Nations Security Council resolution 2046 (2012);

11. Accordingly supports the programme of work of the African Union High-level Implementation Panel, in order to continue and intensify its facilitation role to bridge the differences between the Parties. In this respect, the Council supports:

(a) The convening by the African Union High-level Implementation Panel, supported by the Chair of the Intergovernmental Authority for Development (IGAD) of a round of interactions with the Parties, to enable them to reach the necessary agreements on all outstanding issues, in particular security arrangements, border issues and the finalization of all outstanding documents;

(b) The convening by the African Union High-level Implementation Panel, supported by the Chair of IGAD, of a summit meeting that will bring together Presidents Omar Hassan Al Bashir and Salva Kiir Mayardit, to conclude a final and comprehensive agreement between the two countries, including the way forward with regard to determining the final status of the Abyei Area;

(c) The facilitation by the African Union High-level Implementation Panel of direct negotiations between the Government of the Sudan and SPLM-N, as visualized in paragraph 16 of its communiqué of 24 April 2012 (PSC/MIN/COMM/3.(CCCXIX)), to resolve the political and security matters relating to the Sudanese states of Blue Nile and Southern Kordofan;

(d) The convening by the Chair of the Commission, in consultation with the Secretary-General of the United Nations, of a meeting of the Sudan-South Sudan Consultative Forum to mobilize international support for the African Union High-level Implementation Panel and the Parties in the final phase of the elaboration of the required final and comprehensive agreement;

12. Reiterates the determination made by the African Union, as endorsed by the United Nations Security Council, that the African Union High-level Implementation Panel administrative and security map of November 2011 in no way prejudices negotiations on the final border between the two States or the status of the disputed and claimed areas, but serves exclusively as a separation line between their armed forces. Council therefore strongly urges the Government of the Sudan to

accept this map without further delay so as to enable the full activation of the Joint Border Verification and Monitoring Mecha: ism;

13. Stresses the i...portance of expeditiously addressing the security issues in order to promote confidence-building between the two countries. In this respect, the Council reiterates its demand that the Parties comply fully and unconditionally with subparagraphs 12 (i), (ii), and (iii) of the road map of 24 April 2012, relating to the definitive cessation of aerial bombardment, the unconditional withdrawal of all of their armed forces to their sides of the border, according to the centreline of the safe demilitarized border zone, and the cessation of harbouring of, or support to, rebel groups against the other State;

14. Calls on the Abyei Joint Oversight Committee to speedily finalize the establishment of the Abyei Police Service, enabling it to take over policing functions throughout the Abyei Area, including the protection of the oil infrastructure;

15. Encourages the Parties to consider the views of the panel of experts referred to in paragraph 7 (f) above, as soon as these are available, and to proceed immediately to the demarcation of the agreed sections of the border. In case either of the Parties does not agree with the opinion of the panel of experts on any section of the disputed areas, the Council urges them to consider all peaceful options, including arbitration, for their final resolution. The Council also reiterates its call on the Parties to agree to a strictly peaceful process to address the disputed and claimed areas;

16. Urges the Parties to take the necessary steps to open the border crossing points between the two countries to allow trade and movement of people, thus helping to address the urgent livelihood issues of the border communities in the two States;

17. Requests the Commission, working together with the United Nations and the League of Arab States, immediately to operationalize the agreement referred to in subparagraph 7 (g) above, to ensure an early assessment of the situation and the speedy delivery of humanitarian assistance to war affected civilian populations in Blue Nile and Southern Kordofan states, within the framework of the joint proposal for access to provide and deliver humanitarian assistance to war-affected civilians in South Kordofan and Blue Nile states, submitted by the African Union, the United Nations and the League of Arab States, and accepted by SPLM-N on 17 February 2012 and by the Government of the Sudan on 27 June 2012;

18. Requests the African Union High-level Implementation Panel, in line with paragraph 14 of the communiqué of its 319th meeting (PSC/MIN/COMM/3.(CCCXIX)) to submit to the Council, by 22 September 2012, a comprehensive report on the status of the negotiations, including detailed proposals on all outstanding issues, to be endorsed as a final and binding solution to the post-secession relations, at a meeting of the Peace and Security Council to be held at ministerial level, within two weeks following the submission of the report, it being understood that the said report and the related communiqué of the Council shall be transmitted for consideration and endorsement by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations;

19. Requests the Chairperson of the Commission to transmit this decision to the United Nations Security Council, as well as to all other African Union partners.

The Council seeks the support of the Security Council and its endorsement of the present communiqué;

20. Requests the Chair of the Commission to report regularly to the Council on the implementation of the present communiqué, including the security-related provisions of the African Union road map;

21. Decides to remain actively seized of the matter.